

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**

CASE NO.: 2:24-cv-113

BRUCE CAMERON DAVIDSON,

Plaintiff,

v.

DFW DRUG REHAB, L.L.C.,

Defendant,

COMPLAINT FOR COPYRIGHT INFRINGEMENT

(INJUNCTIVE RELIEF DEMANDED)

Plaintiff BRUCE CAMERON DAVIDSON by and through his undersigned counsel, brings this Complaint against Defendant DFW DRUG REHAB, L.L.C. for damages and injunctive relief, and in support thereof states as follows:

SUMMARY OF THE ACTION

1. Plaintiff BRUCE CAMERON DAVIDSON (“Davidson”) brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. §§ 106 and 1202, to copy and distribute Davidson’s original copyrighted Work of authorship after knowingly removing copyright management information without authorization to do so.

2. Davidson is a photographer who has found a way to shoot landscapes from different perspectives and create graphic images that challenge the viewer’s expectations. He has traveled all over the world, spent countless hours flying around in helicopters, and embraced extreme temperatures all to capture the most spectacular aerial photographs. Davidson has been published in over thirty publications, has photographed campaigns for numerous brand, and won awards in Lurzers Archive, Communication Arts, Graphis and American Photographer.

3. Defendant DFW DRUG REHAB, L.L.C. (“DFW”) is a company that provides sober living to individuals struggling with addiction. At all times relevant herein, DFW owned and operated the internet website located at the URL <https://rdsobberliving.com/> (the “Website”).

4. Davidson alleges that Defendant copied Davidson’s copyrighted Work from the internet in order to advertise, market and promote its business activities. DFW committed the violations alleged in connection with Defendant’s business for purposes of advertising and promoting sales to the public in the course and scope of its rehabilitation business.

JURISDICTION AND VENUE

5. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

6. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

7. Defendant is subject to personal jurisdiction in Texas.

8. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, DFW engaged in infringement in this district, DFW resides in this district, and DFW is subject to personal jurisdiction in this district.

DEFENDANT

9. DFW Drug Rehab, L.L.C. is a Texas Limited Liability Company, with its principal place of business at 5000 S Western St., Suite 8647, Amarillo, Texas, 79109, and can be served by serving its Registered Agent, Parker Cates, at 1251 S Sherman Street, No. 108, Richardson, TX 75081.

THE COPYRIGHTED WORK AT ISSUE

10. In 2014, Davidson created the photograph entitled “CD_2013_0817_aerial_0425_xgaplus,” which is shown below and referred to herein as the “Work”.



11. Davidson registered the Work with the Register of Copyrights on July 29, 2014, and was assigned registration number VAu 1-254-965. The Certificate of Registration is attached hereto as **Exhibit 1**.

12. At the time Davidson created the Work, Davidson applied the copyright management information to the Work consisting of the words “© CAMERON DAVIDSON” at the bottom center of the Work.

13. Davidson’s Work is protected by copyright but was not otherwise confidential, proprietary, or trade secrets.

14. At all relevant times Davidson was the owner of the copyrighted Work at issue in this case.

INFRINGEMENT BY DFW

15. DFW has never been licensed to use the Work at issue in this action for any purpose.

16. On a date after the Work at issue in this action was created, but prior to the filing of this action, DFW copied the Work.

17. On or about June 21, 2023, Davidson discovered the unauthorized use of his Work on the Website.

18. DFW copied Davidson's copyrighted Work without Davidson's permission.

19. After DFW copied the Work, it made further copies and distributed the Work on the internet to promote the sale of goods and services as part of its rehabilitation business.

20. DFW copied and distributed Davidson's copyrighted Work in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

21. DFW committed copyright infringement of the Work as evidenced by the documents attached hereto as **Exhibit 2**.

22. Davidson never gave Defendant permission or authority to copy, distribute or display the Work at issue in this case.

23. When DFW copied and displayed the Work, it removed Davidson's copyright management information from the Work.

24. Davidson never gave DFW permission or authority to remove copyright infringement information from the Work.

25. Davidson never gave DFW permission or authority to distribute the Work with its copyright management information removed.

26. Davidson notified DFW of the allegations set forth herein on June 28, 2023, and July 13, 2023. To date, the parties have failed to resolve this matter.

COUNT I
COPYRIGHT INFRINGEMENT

27. Davidson incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Davidson owns a valid copyright in the Work at issue in this case.

29. Davidson registered the Work at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. DFW copied, displayed, and distributed the Work at issue in this case and made derivatives of the Work without Davidson's authorization in violation of 17 U.S.C. § 501.

31. DFW performed the acts alleged in the course and scope of its business activities.

32. Defendant's acts were willful.

33. Davidson has been damaged.

34. The harm caused to Davidson has been irreparable.

COUNT II
REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION

35. Davidson incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

36. The Work at issue in this case contains copyright management information ("CMI") consisting of the words "© CAMERON DAVIDSON" at the bottom center of the Work.

37. DFW knowingly and with the intent to enable or facilitate copyright infringement, removed CMI from the Work at issue in this action in violation of 17 U.S.C. § 1202(b).

38. DFW knowingly distributed the Work knowing that the CMI had been removed without authority of the copyright owner or the law.

39. DFW committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Davidson's rights in the Work at issue in this action protected under the Copyright Act.

40. Davidson has been damaged.

41. The harm caused to Davidson has been irreparable.

WHEREFORE, the Plaintiff BRUCE CAMERON DAVIDSON prays for judgment against the Defendant DFW DRUG REHAB, L.L.C. that:

a. DFW and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1202;

b. DFW be required to pay Davidson his actual damages and Defendant's profits attributable to the infringement, or, at Davidson's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;

c. Davidson be awarded his attorneys' fees and costs of suit under the applicable statutes sued upon;

d. Davidson be awarded pre- and post-judgment interest; and

e. Davidson be awarded such other and further relief as the Court deems just and proper.

JURY DEMAND

Davidson hereby demands a trial by jury of all issues so triable.

DATED: May 22, 2024

Respectfully submitted,

/s/ Marian V. Quintero

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